

## **REMARKS**

### **I      Introduction**

Claims 1-9 are pending in the present application. Claims 1, 2, 5, 6 and 9 are rejected. Claims 3, 4, 7 and 8 were objected to. Claims 3, 5 and 7 have been amended. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II.     Title**

The Examiner objected to the title of the invention as being not descriptive. In response, the title has been changed to "OUTDOOR DOME HAVING A ROTATABLE SEGMENT FOR ENCLOSING A CAMERA." It is therefore respectfully requested that the objection to the title be withdrawn.

### **III.    Rejection of Claim 5 under 35 U.S.C. § 112, second paragraph**

Claim 5 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claim 5 has been amended to recite that "the optical surface is a substantially opaques dome with a transparent window." It is respectfully submitted that claim 5 is in compliance with 35 U.S.C. § 112, second paragraph. Applicants respectfully request withdrawal of the indefiniteness rejections.

### **IV.     Rejection of Claims 1 and 5 under 35 U.S.C. § 103(a)**

Claims 1 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 3,993,866 ("Pearl") in view of U.S. Patent 5,689,304 ("Jones"). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To

establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Amended claim 1 recites a camera assembly including “a housing having a mounting cap attached to sidewalls to which is attached an optical surface, the camera housing enclosing a camera system wherein **the optical surface is rotatable relative to the camera housing** after the camera system is positioned.” In support of the rejection, the Examiner cites Figs. 1 and 2 of Pearl and contends that Pearl teaches an “optical surface (dome 26)” that is rotatable relative to the camera housing (16) after the camera system is positioned. However, nothing in Pearl indicates that the dome (26) is rotatable relative to the camera housing (16), let alone rotatable after the camera system is positioned.

Initially, Figs. 1 and 2 of Pearl do not indicate any capacity for relative rotation between the dome (26) and the camera housing (16): Fig. 1 merely shows the dome (26) attached to the camera housing (16), and Fig. 2 merely shows that a hinge (33) couples the dome (26) to the camera housing (16). Furthermore, the specification of Pearl clearly indicates that the dome (26) is fixedly connected to the camera housing (16): a) “dome 26 is hingedly connected to base portion 25”; and b) “rotatable tabs 34 are connected to rim 32 and are rotatable into overlapping relationship with respect to flange 31 of dome 26 **so as to hold the dome in its closed relationship with base portion 25.**” (Col. 3, l. 68 - col. 4, l. 5). In addition, Pearl makes clear that the only rotatable

unit in the disclosed system is the rotatable base 19 (connected to the camera 15 via the camera platform 20), which base 19 is entirely contained within the camera housing 16. (Fig. 1; col. 3, l. 14-19).

In addition to Pearl, Jones also fails to teach or disclose a camera assembly including “a housing having a mounting cap attached to sidewalls to which is attached an optical surface, the camera housing enclosing a camera system wherein **the optical surface is rotatable relative to the camera housing** after the camera system is positioned.” Accordingly, the combination of Pearl and Jones fails to render obvious claim 1 and its dependent claim 5.

Independent of the above, it should be noted that Pearl does not teach or suggest “a substantially opaque dome with a transparent window,” as recited in claim 5. Pearl clearly indicates that the base portion 25 of the camera housing 16 is opaque, while the dome 26 is transparent. (Col. 3, l. 30-32 and 61-62). The section of Pearl cited by the Examiner, i.e., col. 4, l. 45 - col. 5, l. 16, merely indicates that dome 26 is transparent from inside the dome, while appearing reflective from outside the dome. Accordingly, for this additional reason, claim 5 is not rendered obvious by the combination of Pearl and Jones.

#### **V. Rejection of Claim 2 under 35 U.S.C. § 103(a)**

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Pearl in view of published U.S. Patent Application 2003/0053806 ("Schneider"). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This

teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 2 recites a “camera assembly having a housing which comprises an optical dome rotatable relative to the housing through the use of a circumferential seal attached to a circumferential flange portion of the housing.” As noted above in connection with claims 1 and 5, Pearl fails to teach or suggest “an optical dome rotatable relative to the housing,” let alone teach or suggest that the optical dome is rotatable “through the use of a circumferential seal.” In addition, Schneider also fails to teach or suggest these claimed features. Accordingly, the combination of Pearl and Schneider fails to render obvious claim 2.

**VI. Rejection of Claims 6 and 9 under 35 U.S.C. § 103(a)**

Claims 6 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pearl in view of Schneider, U.S. Patent 5,689,304 (“Jones”) and U.S. Patent 6,643,456 (“Ryan”). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the

prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 6 recites a camera assembly including a camera housing and “an optical dome rotatable relative to the housing through the use of a circumferential seal.” As noted above in connection with claims 1 and 5, Pearl fails to teach or suggest “an optical dome rotatable relative to the housing,” let alone teach or suggest that the optical dome is rotatable “through the use of a circumferential seal.” In addition, Schneider, Jones and Ryan also fail to teach or suggest these claimed features. Accordingly, the combination of Pearl, Schneider, Jones and Ryan fails to render obvious claim 6 and its dependent claim 9.

Independent of the above, it should be noted that Pearl does not teach or suggest “a substantially opaque dome with a transparent window,” as recited in claim 9. As noted in connection with claim 5, Pearl clearly indicates that the base portion 25 of the camera housing 16 is opaque, while the dome 26 is transparent. (Col. 3, l. 30-32 and 61-62). In addition, Schneider, Jones and Ryan also fail to teach or suggest these claimed features. Accordingly, the combination of Pearl, Schneider, Jones and Ryan fails to render obvious claim 9.

## **VII. Claims 3, 4, 7 and 8**

Claims 3, 4, 7 and 8 were objected to as being dependent upon a rejected base claim, but the Examiner has indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claims 3 and 7 have been

rewritten in independent form to include all the limitations of the respective base claim. Accordingly, Applicants submit that claims 3 and 7, as well as their dependent claims 4 and 8, respectively, are in condition for immediate allowance.

**CONCLUSION**

In light of the foregoing, Applicants respectfully submit that all of the pending claims 1-9 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

The Office is authorized to charge any fees associated with this Amendment to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

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